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DOC #:
DATE FILED: 4/28/2014

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Kevin Harris

(In the space above enter the full name(s) of the plaintiff(s).)

AMENDED COMPLAINT

under the Civil Rights Act, 42 U.S.C. § 1983

-against-

The city of New York and Chris Morello, Elizabeth McNulty and Vincent Ruiz in their Individual Capacities, Defendants.

Jury Trial: ☑ Yes ☐ No
(check one)

13 Civ. 7790 (JPO)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

APR 28 2014
PRO SE OFFICE

I. Parties in this complaint:

A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff's
Name Kevin Harris
ID# 91873054
Current Institution Federal Correctional Institution Ray Brook
Address P.O. Box 900 Ray Brook, New York, 12977

B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1
Name Chris Morello Shield #
Where Currently Employed N.Y.P.D
Address 4295 Broadway, New York, N.Y 10033

Defendant No. 2 Name Elizabeth McNulty Shield #________
Where Currently Employed N.Y.P.D
Address 155-09 Jewel Ave., Flushing, NY 11365

Defendant No. 3 Name Vincent Ruiz Shield #________
Where Currently Employed N.Y.P.D
Address 221 E. 123 St., New York, NY 10029

Who did what?

Defendant No. 4 Name ________ Shield #________
Where Currently Employed ________
Address ________

Defendant No. 5 Name ________ Shield #________
Where Currently Employed ________
Address ________

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

____

B. Where in the institution did the events giving rise to your claim(s) occur?

____

C. What date and approximate time did the events giving rise to your claim(s) occur?
October 15, 2011 at or around 2:00 am

What happened to you?

D. Facts: I was walking up the block of 115st toward Lenox avenue and I was ask to stop by a officer in a White Shirt I beleave he was a captain riding by himself in a unmarked car. I Asked him for what he did not tell me he did not tell me for what, So I Continued to walk back the way I came from. When I got in front of 40 W 115 St. I was approached and Searched then questioned concerning the Whereabouts of where I had just came from by a plain clothed officer with a N.Y.P.D jacket on. The white Shirt that had previously tryed to Stop me had came back around the block and told the plain Clothed officer to arrest me. The plain Clothed officer then told two uniformed officers that just had pulled up in a patrol car to arrest me. I was then arrested, hand cuffed and placed in the back of a police car and driven to the N.Y.P.D's P.S.A.5 precinct where my arrest was processed. On Oct. 15, 2011, a misdemeanor complaint was filed against me charging me with (New York penal law 265.01(1) and one count of (New York penal law 240.20(1). after 10-15 hours in police custody I was finally released becaose on oct 15, 2011, New York city District Attorney's office declined to prosecute charges against the Individual listed herein, And because thier office knew I did not commit a crime along with the two police officers who process my arrest and after the officers talked to the D.A.

Was anyone else involved?

Who else saw what happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

The two officers ruffed me up I sustained chest pains and cuts and bruies from the cuffs I had to go to the ~~ho~~ hospital it took them a long time to get me medical help but they got me to the hospital.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ____ No ____

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

____

____

____

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ____ No ____ Do Not Know ____

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ____ No ____ Do Not Know ____

If YES, which claim(s)?

____

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ____ No ____

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ____ No ____

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

____

1. Which claim(s) in this complaint did you grieve?

____

____

2. What was the result, if any?

____

____

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

____

____

____

____

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

____

____

____

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). I request the court assume jurisdiction over this matter, Award compensatory and punitive damages to "me" against the defendants jointly, Award "me" reasonable costs, disbursements and medical fees. and grant any other relief the courts deems appropriate. I would like 100,000.00 dollars, because by arresting, detaining, charging "me" the individual defendants engaged under color of law in the violation of my rights under the fourth and fourteenth amendments to the U.S Constitution and 42 U.S.C §1983 to, inter alia, be free from unreasonable searches and seizures, false arrest and imprisonment and malicious prosecution. Municipal liability for the violations of my rights rests upon the grounds set fourth, at all times material to this complaint, the Defendants, Acting through the N.Y.P.D and the Individual defendants. had de facto policies, practices, customs and usages of failing to properly train, screen, Supervise or discipline employees and police officers, and of failing to inform the Individual defendants Supervisors of their needs to train, screen, Supervise or discipline said defendants. The cause of the unconstitutional conduct alleged herein.

VI. Previous lawsuits:

On these claims

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ____ No ____

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff ____________________
Defendants ____________________

2. Court (if federal court, name the district; if state court, name the county) ____________________

______ 3. Docket or Index number ____________________

______ 4. Name of Judge assigned to your case ____________________

5. Approximate date of filing lawsuit ____________________

6. Is the case still pending? Yes ____ No ____

If NO, give the approximate date of disposition ____________________

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) ____________________

On other claims

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ____ No ____

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff ____________________
Defendants ____________________

2. Court (if federal court, name the district; if state court, name the county) ____________________

______ 3. Docket or Index number ____________________

______ 4. Name of Judge assigned to your case ____________________

5. Approximate date of filing lawsuit ____________________

6. Is the case still pending? Yes ____ No ____
If NO, give the approximate date of disposition________________________________

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) ____________________________
____
____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 22 day of April, 2014.

Signature of Plaintiff [signature: Kevin Harris]

Inmate Number 91873054

Institution Address Federal Correctional Institution Ray Brook P.O. Box 900 Ray Brook New York 12977

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 23 day of April, 2014, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: [signature: Kevin Harris]